

ALICE C. CLARNO, EA, ATA  
1801 S. MYRTLE AVE., SUITE H  
P.O. BOX 1068  
MONROVIA, CALIFORNIA 91016-4800  
(626) 359-7065 FAX (626) 303-5783

January 23, 2008

**VIA FEDERAL EXPRESS**

Mr. Andrew Taylor (SFD75)  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105

Re: San Fernando Valley Area 2 Superfund Site  
Glendale Operable Unit  
711 West Broadway, Glendale, CA/Artik Avanesians

*Attorney  
Peter Niemiec's  
typo.  
should read  
4057 Goodwin Ave  
(A.T.)*

Dear Mr. Taylor:

This letter constitutes the response of the Spirito Family Trust to the Section 104(e) requests attached to the undated General Notice Letter that EPA sent regarding the San Fernando Valley Superfund Site, Chromium Operable Unit (the "Request").

General Objections

I object to the Request on the grounds that it is burdensome and oppressive because providing all of the information called for by the Request would require me to conduct extensive investigations and create compilations of information from various sources, and would therefore be extremely costly and time consuming.

I further object to the Request on the grounds that it is overbroad and is without statutory authorization, particularly when considered in light of the purported "Instructions and Definitions," insofar as (1) it calls for information protected by the attorney-client and/or attorney work-product privileges; (2) it calls for opinions and/or legal conclusions, (3) it calls for information not in my possession or control; (4) it calls for the production of information that is not reasonably related to the purposes of the statute authorizing the information gathering sought by the Request; and (5) it purports to require me to continually update its response for an indefinite period of time. To the extent that the Request does call for information protected by the attorney-client and/or attorney work-product privileges, that information will not be produced.

The provision of information in response to the Request, in this letter or otherwise, may not be deemed a waiver of any of these objections or objections set forth elsewhere in this response.

I have made substantial efforts to find the information specified by the Request. I specifically reserve the right to amend my answer in light of additional information I may acquire. However, my reservation of rights to amend my answer is made without waiving my objection to EPA's request that I supplement my response on an ongoing basis.

All references to the "Property" below refer to real property located at 4057 Goodwin Avenue, Los Angeles, California.

#### Question No. 1

If YOU are an individual, state your full name. If you are a Company, as defined in Attachment A:

- a. State the correct legal name of the Company.
- b. State the name(s) and address(es) of the President and Chief Executive Officer of the Company, or other presiding officer of the Company.
- c. Identify and describe the Company's corporate or other organizational status. For example, is your Company a corporation, limited liability company or corporation, partnership, limited partnership, "S" partnership, sole proprietorship, joint venture or other type of organization?
- d. Identify the state of incorporation or other formation of your Company and the Company's agents for service of process in that state and in California.
- e. If the Company is a subsidiary, parent or other affiliate of another corporation, identify these related companies.
- f. Identify the state of incorporation or other formation of these companies and their agents for service of process in that state and in California.

#### Response No. 1

I am Alice C. Clarno, and I am answering on behalf of the Spirito Family Trust (the "Trust"). Since all of the grantors of the Trust are deceased, the Trust is an irrevocable trust. Since the Trust is not a Company, as defined in Attachment A to the Request, the remaining questions are not applicable.

#### Question No. 2

Provide any DOCUMENTS evidencing formation of your Company's organization, such as Articles of Incorporation, Partnership Agreements, Joint Venture Agreements, or other such DOCUMENTS.

Response No. 2

Since the respondent is the Trust, this question is not applicable. Nonetheless, in the spirit of cooperation, a copy of the Trust documents is enclosed as Exhibit 1.

Question No. 3

If your Company is the parent, subsidiary, holding company, other affiliate of any other company or organization, describe in detail all such relationships, and

- a. Identify the dates of such associations and the manner in which they were effectuated (e.g. merger, sale of stock, etc.); and
- b. Provide any DOCUMENTS evidencing the formation of such relationship.

Response No. 3

Since the respondent is the Trust, this question is not applicable.

Question No. 4

If your Company is one of many subsidiaries of a common parent or group of parents, identify all other subsidiaries of the same parent and all other parents or holding companies of any such parent.

Response No. 4

Since the respondent is the Trust, this question is not applicable.

Question No. 5

State whether your Company has been acquired by another entity or portion of any other entity at any time. If the answer is yes, identify the nature of the acquisition (e.g. merger, sale of stock, etc.) and provide all DOCUMENTS evidencing such acquisition.

Response No. 5

Since the respondent is the Trust, this question is not applicable.

Question No. 6

State the name, title, address and telephone number of any person who prepared or worked on the preparation of this response

Response No. 6

I prepared this response with the assistance of the attorney for the Trust, Peter Niemiec, 2314 John Street, Manhattan Beach, California, 310-546-7147. I am providing this information without waiving any claim of attorney-client privilege or attorney work product privilege with regard to the nature or content of the assistance I received from Mr. Niemiec.

Question No. 7

State the total revenues for your Company for each of the last five years.

Response No. 7

Since the respondent is the Trust, this question is not applicable. However, in the spirit of cooperation, the total income of the Trust, as reported on its federal tax returns, for the years 2002 through 2006, is as follows: 2002, \$124,427; 2003, \$96,610; 2004, \$100,281; 2005, \$58,927; 2006, \$43,815. As of the date of this response, final figures for 2007 are not yet available.

Question No. 8

State the number of persons employed by your business during the last five years, as follows; 1) the number of full-time employees; 2) the number of part-time employees; 3) the number of seasonal employees; and 4) the total number of employees.

Response No. 8

Since the respondent is the Trust, this question is not applicable. Without waiving this objection, the Trust does not have any employees.

Question No. 9

Please describe the Company's business activity, its business activity code number and the type of product and/or service your company provides (as reported in your most recent federal tax return).

Response No. 9

Since the respondent is the Trust, this question is not applicable.

Question No. 10

Describe in narrative fashion the nature of the business in which the Company is engaged, e.g. manufacturing, retail or wholesale sales, service, etc.:

- (a) identify the specific products or services the Company manufactures or provides, as applicable;
- (b) state the dates during which the Company has been engaged in such business;
- (c) identify the substances, including but not limited to hazardous substances, pollutants or contaminants that are or were used in the Company's business and how such substances are stored and used by the business, and provide Material Safety Data Sheets ("MSDS") for all such substances for which an MSDS is required to be maintained by the Company; if the Company is required to report the type and quantity of such chemicals or other substances stored or used at the Facility to any federal or state agency or entity, provide copies of such reports for the last twenty (20) years, or as available;
- (d) state whether there have been any releases of hazardous substances, pollutants or contaminants to the environment at the Facility or Facilities and provide any documents describing, evidencing or otherwise documenting such releases; and
- (e) if YOU have previously been engaged in a different business at the Facility or Facilities, describe the nature of that business, provide the dates during which YOU engaged in that business, and respond to questions 10(a)-(d) with respect to that business.

Response No. 10

Since the respondent is the Trust, this question is not applicable.

To the extent that subpart (d) may be deemed to apply to the Trust, please see the documents on the two CDs enclosed and the report entitled "Report of Additional Soil Sampling, Excello Plating Company," dated November 9, 2006, prepared by Ceres Associates, also enclosed. Please also see the report: "Above Ground Facility Clean-Up Documentation, Excello Plating, 4057 Goodwin Avenue., Los Angeles, California," prepared by Environmental Recovery Services, Inc.; which is being sent to you on a DVD under separate cover by Environmental Recovery Services, Inc.

I am advised that there may be additional documents relating to the environmental conditions at the Property in the files of the California Regional Water Quality Control Board, Los Angeles Region, but these documents are not in my possession or control. This response is made without any admission that there has been a "release" of "hazardous substances", or "pollutants or

contaminants" to the "environment" at the "Facility," as those terms are defined in CERCLA.

To the extent that subpart (e) may be deemed to apply to the Trust, the Trust has never engaged in any business at the Property. Since the Property has been in the Trust, it has been leased to Excello Plating Co., Inc., a California corporation, ("Excello") until approximately December 31, 2004. Since that time the Property has been unoccupied.

Question No. 11

Identify the specific process steps that are or were used at the Facility or Facilities including but not limited to:

- a. All materials introduced during manufacture or other process;
- b. The means by which materials were prepared for processing;
- c. A narrative, stepwise description of any manufacturing or other process;
- d. A description of any waste streams generated from any manufacturing or other process; and
- e. Provide documents describing any such process, including but not limited to process flow charts and diagrams.

Response No. 11

Everything I know about the processes that were used at the Property by Excello is contained in the documents provided in response to Question No. 10, above. I am aware that there are many documents present at the Property, which documents appear to be operating records of Excello at the time it discontinued its operations at the Property, which may contain information relevant to this question. However, these documents are contained in many file cabinets and binders. Moreover, I have no expertise in hazardous materials nor in the processes that were used by Excello. Therefore, to the extent this question purports to require me to review and summarize the information contained in the documents present at the Property, I object to this question as being burdensome and oppressive because it would require me to hire experts to review and compile information from voluminous files, and would therefore be extremely costly and time consuming. Without waiving this objection, by this response I am offering to allow EPA or its authorized contractors to review and copy any records of Excello still present on the Property, subject to appropriate arrangements for access and, to the extent such review is conducted by contractors, appropriate insurance arrangements.

Question No. 12

Describe in narrative fashion the generation, treatment and disposal of all waste streams generated by processes performed by your Company at the Facility or Facilities, including but not limited to:

- a. the source of any waste streams;
- b. the chemical composition and characteristics of the influent, effluent, and/or any sludges, scum, or other waste formed in the treatment processes; and any chemicals or substances used in the treatment processes, including but not limited to the chromium or other metals content of such influent, effluent or waste;
- c. the means of treatment of any such waste streams;
- d. how any waste streams are or were stored or disposed; and
- e. provide any DOCUMENTS that describe, evidence or document such generation, treatment or disposal.

#### Response No. 12

Since the respondent is the Trust, this question is not applicable. Moreover, the Trust never performed "processes" at the Property. To the extent "processes" were performed at the Property, they were performed by Excello. With respect to such "processes," see the Response to Question 11 above. In the spirit of cooperation, with regard to disposal of materials that were abandoned at the Property by Excello, see the report entitled "Above Ground Facility Clean-Up Documentation, Excello Plating, 4057 Goodwin Avenue., Los Angeles, California," prepared by Environmental Recovery Services, Inc.; referenced in my response to Question No. 10 above.

#### Question No. 13

Identify and provide copies of any documentation of any hazardous waste-related tax paid by YOUR company related to any facility from which waste was sent to an off-site disposal facility, and identify the dates upon which YOU paid such taxes, including but not limited to a description of whether such tax(es) were local, state or federal and the specific regulations under which YOU were required to pay the tax.

#### Response No. 13

To my knowledge, the Trust has not paid any hazardous waste-related tax.

#### Question No. 14

List all federal, state and local permits and/or registrations and their respective permit numbers issued concerning the Facility.

#### Response No. 14

The only information I have regarding this request is contained in the documents produced in response to Question No. 10 above. In addition, there may information related to this request in the records of Excello present on the Property. However, these documents are contained in many file cabinets and binders. Moreover, I have no expertise in hazardous materials nor in the processes that were used by Excello. Therefore, to the extent this question purports to require me to review and summarize the information contained in the documents present at the Property, I object to this question as being burdensome and oppressive because it would require me to hire experts to review and compile information from voluminous files, and would therefore be extremely costly and time consuming. Without waiving this objection, by this response I am offering to allow EPA or its authorized contractors to review and copy any records of Excello still present on the Property, subject to appropriate arrangements for access and, to the extent such review is conducted by contractors, appropriate insurance arrangements.

#### Question No. 15

State whether your Company has or had a permit or permits issued under the Resource, Conservation and Recovery Act ("RCRA") for the Facility or Facilities. If the answer is "yes," identify all such permits, including but not limited to the dates of issuance and a general description of the process permitted. Provide copies of all such permits.

#### Response No. 15

Since the respondent is the Trust, this question is not applicable. In the spirit of cooperation, the Trust never had a RCRA permit for the Property. See also my response to Question No. 14 above.

#### Question No. 16

State whether your Company has or had a permit or permits under state hazardous waste laws for the Facility or Facilities. If the answer is "yes," identify all such permits, including but not limited to the dates of issuance and a general description of the process permitted. Provide copies of all such permits.

#### Response No. 16

Since the respondent is the Trust, this question is not applicable. In the spirit of cooperation, the Trust never had any permits for the Property. See also my response to Question No. 14 above.

#### Question No. 17



State whether your Company has or had an EPA Identification Number or an identification number supplied by the state Environmental Protection Agency at any time. Supply any such identification number(s) your company or business has or had during that time.

Response No. 17

Since the respondent is the Trust, this question is not applicable. In the spirit of cooperation, the Trust provides the following information: No EPA Identification Number or identification number supplied by the state Environmental Protection Agency has ever been issued to the Trust. However, at the time the contractor working for the Trust was conducting the work described in the report entitled "Above Ground Facility Clean-Up Documentation, Excello Plating, 4057 Goodwin Avenue., Los Angeles, California," prepared by Environmental Recovery Services, Inc. ("Enviroserv"); referenced in my response to Question No. 10 above, Neil Frumkin of Enviroserv consulted with Craig Benson, the On-Scene Coordinator for USEPA, about the applicability of Excello's existing generator number. Since the owners of Excello had abandoned the site, Mr. Benson issued a new generator number to Excello. That number was CAP 000006007. Although Excello is the generator identified with that generator number, the Trust's address was used as the return address for that generator number.

Question No. 18

State whether any person, other than YOU or the COMPANY, at any time arranged for disposal or treatment or arranged for transportation for treatment and disposal of materials at or to the Facility or Facilities, For each such arrangement, identify:

- a. The persons with whom such arrangements were made;
- b. Every date on which such arrangements were made;
- c. The nature, including the chemical content, characteristics, physical state (e.g. solid, liquid) and quantity (volume, weight) of all materials involved in each such arrangement;
- d. The owner of the materials that were sent to the Facility or Facilities;
- e. All tests, analyses, analytical results or manifests concerning any materials included in such arrangement;
- f. The precise locations at the Facility or Facilities at which each such material was disposed or treated, or both;
- g. Who selected the location to which the materials were sent to be disposed and/or treated;
- h. The amount paid in connection with each such arrangement, if any, the method of payment, and the identity of the persons involved in. each such arrangement;
- i. Where the persons identified in "h" above intended to have the materials involved in each arrangement treated or disposed and all evidence of that intent;

- j. Any measures or other analyses taken by you to determine how and where treatment or disposal of the materials involved in each arrangement would actually take place;
- k. The markings on and type, condition and number of containers in which the materials were contained when they were stored, disposed, treated or transported for disposal or treatment at the Site; and
- l. Provide all logbooks, ledgers, or other DOCUMENTS that concern or reflect records of the transportation of such materials to the Facility or Facilities.

Response No. 18

I do not know whether Excello "arranged for disposal or treatment" of materials at the Property. Moreover, I object to this question insofar as it appears to call for legal conclusion, since it is phrased using terms from the authorizing statute. However, I do know that as a result of the operations of Excello, various chemicals entered the soil beneath the building on the property. See the documents produced in response to Question No. 10, above for the information that is available to me on this subject. In addition, there may be information related to this request in the records of Excello present on the Property. However, these documents are contained in many file cabinets and binders. Moreover, I have no expertise in hazardous materials nor in the processes that were used by Excello. Therefore, to the extent this question purports to require me to review and summarize the information contained in the documents present at the Property, I object to this question as being burdensome and oppressive because it would require me to hire experts to review and compile information from voluminous files, and would therefore be extremely costly and time consuming. Without waiving this objection, by this response I am offering to allow EPA or its authorized contractors to review and copy any records of Excello still present on the Property, subject to appropriate arrangements for access and, to the extent such review is conducted by contractors, appropriate insurance arrangements.

Question No. 19

Provide the names, addresses and telephone numbers of any individuals, including former and current employees, who may be knowledgeable of your Company's operations and/or hazardous substance, waste or pollutant or contaminant handling, storage and disposal practices at the Facility or Facilities

Response No. 19

Since the respondent is the Trust, this question is not applicable. In the spirit of cooperation, see the response to Question No. 10 above. In addition, Mr. Glen Harleman has information about the operations and/or hazardous substance, waste or pollutant or contaminant handling, storage and disposal practices of Excello at the Property. I am informed and believe that Mr. Harleman currently

resides at 1296 East Loma Alta Drive, Altadena, California, 91001. In my experience, Mr. Harleman can sometimes be reached through his daughter, Valerie Dickson, at 626-794-1728.

If you have any questions regarding any of these responses, please contact my attorney, Peter Niemiec, at 310-546-7147.

Very truly yours,

A handwritten signature in cursive script that reads "Alice C. Clarno".

Alice C. Clarno, Trustee  
The Spirito Family Trust